

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEISA SCHULZE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 15-cv-05285 RBL JRC

**REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND**

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*, *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 16).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

1 Based on the stipulation of the parties, this Court recommends that the above-captioned
2 case be REVERSED and REMANDED for further administrative proceedings pursuant to
3 sentence four of 42 U.S.C. § 405(g). Following remand, the Administrative Law Judge shall
4 further evaluate Dr. Joseph's opinion, take new VE evidence, and issue a decision following the
5 ruling of *Zavalin v. Colvin*, 778 F.3d 842 (9th Cir. 2015) regarding occupations requiring level 3
6 reasoning abilities.

7 The ALJ shall make a *de novo* determination as to disability, and issue a new decision.

8 Following proper application, plaintiff shall be eligible for attorneys' fees pursuant to the Equal

9 Access to Justice Act, 24 U.S.C. § 2412 *et seq.*

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

13 Dated this 19th day of October, 2015.

J. K. Ward (signature)

J. Richard Creatura
United States Magistrate Judge